



GABRIEL P. HARVIS
BAREE N. FETT

December 14, 2015

BY ECF

Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Holmes v. City of New York, et al.*, 14 CV 10232 (KBF)

Your Honor:

I represent plaintiff in the above-referenced action. I write to respectfully notify the Court of an error contained in the letter submitted by the undersigned earlier today.

After submitting the letter, I learned that, despite my instructions and understanding, my process server did not serve the subpoena on Mr. Padilla in connection with the deposition scheduled for this morning. I apologize to the Court for my error.

Plaintiff respectfully notes that Mr. Padilla was served with a subpoena at his former employer, HELP USA, Inc., on November 19, 2015 (the date of Mr. Padilla's departure from the organization is unknown) in connection with the deposition scheduled for December 7, 2015. Further, according to defense counsel, Mr. Padilla was aware of his obligation to appear at both that deposition and the one scheduled for this morning. Pursuant to the Court's order this afternoon, plaintiff has issued another subpoena and made arrangements to have Mr. Padilla served with it today or tomorrow regarding the deposition scheduled for December 17, 2015.

Hon. Katherine B. Forrest

Dec. 14, 2015

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. Harvis', written over the closing text.

Gabriel P. Harvis

cc: ACC Pernell M. Telfort, Esq.